

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 JUN 2004

WIPO PCT

Applicant's or agent's file reference A3232.WO192		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/B 03/02498	International filing date (day/month/year) 06.06.2003	Priority date (day/month/year) 18.06.2002	
International Patent Classification (IPC) or both national classification and IPC B65B11/14			
Applicant AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE...et al			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 02.12.2003		Date of completion of this report 17.06.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Bevilacqua, V Telephone No. +49 89 2399-7983 	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB 03/02498

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-13 as originally filed

Claims, Numbers

1-24 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-24
	No: Claims	
Inventive step (IS)	Yes: Claims	1-24
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-24
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item I

Basis of the opinion

The examination is being carried out on the following application documents:

Text for the Contracting States:

AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LT LU LV MC MK NL PL PT RO SE SI
SK TR

Description, pages:

1-13 as originally filed

Claims, No.:

1-24 as originally filed

Drawings, sheets:

1/4-4/4 as originally filed

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Clarity

Claim 24 (directed to a leaf) has been wrongly formulated as dependent from claim 10 (directed to a method) instead of claim 21 (directed to a leaf).

2. State of the art

Reference is made to the following documents:

D1: EP-A-0 816 229 (PACTEC VERPACKUNGSMASCHINEN FA) 7 January 1998 (1998-01-07) cited in the application

3. Novelty

3.1 The document D1 is regarded as being the closest prior art to the subject-matter of independent claim 1, and discloses (the references in parentheses applying to this document see from column 2 line 1 to column 6 line 13):

a method of making product wraps, comprising the steps of:

A - causing a continuous strip of wrapping material, presenting at least two bands of adhesive extending parallel with its longitudinal dimension, to advance along a predetermined path;

B- cutting the strip transversely along dividing lines to obtain a plurality of leaves each presenting longitudinal edges coinciding with relative dividing lines;

C- associating at least one product with a respective substantially central area of each leaf;

D- folding each leaf around a relative product and bringing together the two longitudinal edges to form a tubular sheath;

E- closing the ends of the tubular sheath to obtain a wrap and finally

F- establishing at least one point between the two adhesive bands and coinciding with the transverse dividing line, from which to initiate an easy tear along a direction substantially transverse to the longitudinal edges of the leaf.

D1 discloses therefore a method from which the subject-matter of claim 1 differs in that the step F (establishing the tear initiating point) is realized before the step D (folding the leaf).

The subject-matter of independent claim 1 is therefore novel (Article 33(2) PCT).

3.2 D1 additionally discloses (see in particular column 4 lines 50-55 and figure 7) a strip of material from which the subject-matter of independent claim 16 differs in that it comprises one notch located to coincide with each second adhesive band (in D1 the notch is made after the leaf is separated from the strip, therefore the strip has no notches).

The subject-matter of independent claim 16 is therefore novel (Article 33(2) PCT).

3.3 D1 finally also discloses (see in particular figure 3) a leaf of wrapping material from which the subject-matter of independent claim 16 differs in that it comprises a second notch establishing an indentation located on a respective second adhesive band and presenting the first notch.

The subject-matter of independent claim 21 is therefore novel (Article 33(2) PCT).

4. Inventive step

4.1 The problem to be solved by the present invention may therefore be regarded as how to simplify the method (and also the strip used by this method) of D1 to produce wrapped products which can be opened by pulling from the edges on either side of the notch.

The solution proposed in claims 1 and 16 of the present application is to be considered as involving an inventive step (Article 33(3) PCT) because no document has been found in the state of the art which would lead the person skilled in this particular technical field to realize a notch before folding the leaf.

4.2 The problem to be solved by the present invention may therefore be regarded as how to make a tear through both edges of the wrap without difficulty even if the two second adhesive bands are joined so that the first notches are not perfectly matched. This is a problem which can be encountered only in this application, because in D1 the two notches are made after folding and therefore are perfectly matching.

With the use of the indentations when pulling the wrap both notches are subjected to stress concentration and are able to make a tear.

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The solution proposed in claim 21 of the present application is to be considered as involving an inventive step (Article 33(3) PCT) because no of the documents cited in the search report solves this problem in the way claim 21 solves it.